IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2179 OF 2005
IN
SECOND APPEAL NO. 1560 OF 2005.

Dnyanu Bapu Mane. ... Applicant.
Versus.
Smt.Shalan Rajaram Mohite & anr. ... Respondents.

Shri A.A.Kumbhakoni i/by Shri A.M.Kulkarni and Shri A.P.Kulkarni for the Applicant.
Shri Ajit Kenjale for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : 3rd April, 2006.

P.C.:

1. Rule. The learned Advocate appearing for Respondent No.1/Org.Plaintiff waives service. Service of notice on Respondent No.2 is dispensed with. Taken up for hearing forthwith.

2. The Second Appeal has been admitted for final hearing. In view of this position, the Decree in terms of clauses 2 and 3 of operative part of the Judgment of the trial Court will have to be stayed. Accordingly, till final disposal of the Second Appeal, execution of the aforesaid part of the decree will remain stayed subject to condition that the Applicant will not create any third party interests in respect of the suit property and will not part with possession thereof in favour of any third party.

Judge.